

04cv18810d-ord(ALSCT-ruling-2).wpd

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CHARLES E. JERKINS,

Plaintiff,

v.

LINCOLN ELECTRIC CO., et al.,

Defendants

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Case No. 1:04-CV-18810

JUDGE O'MALLEY

MEMORANDUM AND ORDER

Earlier, the Court ordered the parties to submit a position statement on Monday, July 25, 2011, addressing how they believe the recent opinion of *Jowers v. Lincoln Electric Co.*, — So.3d —, 2011 WL 2573368 (Ala. June 30, 2011), affects this case. *See Jowers* docket no. 411. Since then, however, defendants have moved the Alabama Supreme Court for rehearing. In light of this development, the July 25, 2011 deadline is **postponed**. Instead, the parties will submit their position statements 14 days after the later of the following dates: (1) if the Alabama Supreme Court denies the motion for rehearing, the date of such denial; or (2) if the Alabama Supreme Court grants the motion for rehearing, the date it issues an opinion following rehearing.

The parties will keep the Court informed regarding the status of the motion for rehearing.

**IT IS SO ORDERED.**

/s/ Kathleen M. O'Malley  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED:** July 21, 2011